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Government has been asked to take immediate steps to begin the process of incorporating Free Prior Informed Consent (FPIC) clauses into Ghana's mining laws. The addition of those clauses will protect mining communities from the many of the violations they suffer as a result of mining activities. FPIC will also equip the mining communities to protect their rights to ownership of land and rights to livelihood. These were part of recommendations contained in a study report on mining, The Right to Decide: Free Prior Informed Consent in Ghana, jointly put together by the Centre for Public Interest Law (CEPIL) and Wacam, and launched in Accra on Tuesday. The authors are Augustine Niber of CEPIL, Hannah Owusu-Koranteng and Daniel Owusu Koranteng, both of Wacam, and Emily Greenspan, Senior Policy Advisor, Oxfam Extractives Industries Team.

Free Prior Informed Consent is a principle which requires that project-affected communities be adequately informed in timely manner about development projects that affect them and be given the opportunity to approve (or reject) a project prior to the commencement of operations. International law establishes FPIC as basic right for indigenous peoples derived from the rights to self-determination and participation.

The study was predicated by the fact Ghana, like many developing countries in sub-Saharan Africa, is increasing its dependence on mineral extraction. The mining industry accounts for about 7% of the country's Gross Domestic Product, and mineral exports make up 41% of total merchandise exports and 27.6% of government revenue.

"Mineral extraction, especially of gold, has been associated with conflicts between host communities and mining companies over the resulting social, environmental and economic impact. In some instances conflicts have resulted in human rights violations being committed by security forces against member of host communities," notes the report. Thus to prevent the recurrence of these types of conflicts, the study recommends that "government and companies must proactive to promote community participation in decision-making around the use of their lands and natural resources." And this makes the FPIC principle more compelling.

The study recommends, "All stakeholders, especially the Executive, Parliament, Minerals Commission, Environmental Protection Agency, the Chamber of Mines and Civil Society must work together in developing a statutory framework which will focus explicitly on the tenets of FPIC to give it credence in Ghana. "Specific standards with regard to community consultation and participation, against which adherence to the principles can be measured, must be clearly stipulated in such a framework. Again, this framework must clearly define what constitutes 'consent' to remove all form of ambiguity."

Similarly, the impression upon government should respect its obligations under resolution 224 of the African Commission on Human and Peoples Rights by ensuring that all necessary measures are taken to ensure participation, including the free, prior and informed consent of communities in decision making related to natural resources governance.

The report insists that Government should expressly incorporate the concept of FPIC in the National Land Policy and all laws regulating land and its usage.

Besides, it calls on government and Civil Society Organisations to work together to raise awareness on the principles of FPIC in respect of all stakeholders, especially for women, physically challenged and other vulnerable groups.

Source: Public Agenda